

### **Remarks**

The above Amendments and these Remarks are in reply to the Final Office Action mailed October 28, 2008.

#### **I. Summary of Examiner's Rejections**

Prior to the Final Office Action mailed October 28, 2008, Claims 1-8, 10-19, 21-29, 31-38, 40-44, 46-60 and 66-72 were pending in the Application. In the Office Action, Claims 1-8, 10-19, 21-29, 31-38, 40-44, 46-60 and 66-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (U.S. Publication No. 2004/0034694), in view of Gropper (U.S. Publication No. 2002/0049610).

#### **II. Summary of Applicants' Amendment**

The present Response amends Claims 1, 21, 40, 50 and 68; cancels Claims 49 and 60, and adds new Claim 73, leaving for the Examiner's present consideration Claims 1-8, 10-19, 21-29, 31-38, 40-44, 46-48, 50-59 and 66-73. Reconsideration of the Application, as amended, is respectfully requested. Applicants respectfully reserve the right to prosecute any originally presented or canceled claims in a continuing or future application.

#### **III. Rejections under 35 U.S.C. § 103(a)**

In the Office Action mailed October 28, 2008, Claims 1-8, 10-19, 21-29, 31-38, 40-44, 46-60 and 66-72 were rejected under 35 U.S.C. § 103(a) as being anticipated by Brown et al. (U.S. Publication No. 2004/0034694, hereinafter Brown), in view of Gropper (U.S. Publication No. 2002/0049610, hereinafter Gropper).

#### **Claim 1**

Claim 1 has been amended to more clearly define the embodiment therein. As amended, Claim 1 currently defines:

- 1. A computer implemented method for modifying a list of permitted senders used by electronic mail (email) access control devices, said method comprising:  
under control of a recipient:  
initiating a subscription event by transmitting a recipient identifier to the sender;*

*under control of the sender:*

*receiving the recipient identifier as part of the subscription event;  
transmitting sender information along with a petition provider identifier to the recipient;*

*under control of the recipient:*

*transmitting the sender information to a petition provider identified by the petition provider identifier, wherein the petition provider creates a petition on behalf of the sender as a result of having obtained the sender information from the recipient, the petition comprising a request to modify the email access list of the recipient;*

*receiving, by way of a web browser on the recipient, the petition from the petition provider, said petition being stored in a computer readable storage medium, wherein the petition is transmitted via hypertext transfer protocol (HTTP) as part of an interaction with a web page;*

*determining whether the petition received from the petition provider is acceptable based on at least one of: 1) a sender identity verification method; 2) user input; and 3) third party information; and*

*modifying said access list of permitted senders of the recipient such that the sender is added to the list of permitted senders if the petition is determined to be acceptable, wherein as a result of a successful petition, the sender will be allowed to bypass all email filters of the recipient.*

As amended, Claim 1 defines a method for modifying the email access control list. The recipient (that will eventually receive the email) first initiates a subscription event. The subscription event can be a web purchase, a newsletter subscription, or the like (Specification, par. 23). As part of this subscription event, the recipient sends a recipient ID to the sender. In response, the sender transmits sender information along with a petition provider ID to the recipient.

Once the recipient has received the sender information, it contacts the petition provider that is identified by the petition provider ID. The recipient then provides the sender information to the petition provider. As a result of having obtained the sender information from the recipient, the petition provider creates a petition on behalf of the sender. This petition is a request to modify the email access control list of the recipient. The petition is sent to the recipient via HTTP by way of the web browser on the recipient.

Once the recipient receives the petition, it evaluates it to see whether it is acceptable. If the petition is validated, the recipient modifies its own email access list by adding the sender to

the list of permitted senders. As a result of the successful petition, the sender will be allowed to bypass all email filters of the recipient.

As such, the advantage of claim 1 is that in the future, the sender will be able to automatically avoid the email blockers and filters of the recipient because of the petition that was exchanged between the sender and the recipient. Because the petition is initiated during a subscription event, the recipient is able to recognize that the petition is from a sender to whom they would likely grant permission to send email. The use of the petition provider may also provide an additional layer of trust since the petition provider may be a trusted third party software that has information regarding various senders. Moreover, because the petition is received by a web browser interaction, the petition itself is able to avoid the email filters and blockers because it is not transmitted over SMTP, like usual email.

The cited reference Brown teaches the process for blocking unwanted email messages. More specifically, Brown appears to describe a recipient that receives an email and, prior to downloading the email, checks the heading and first line of the email to see whether it contains a valid passcode. If the email does contain a valid passcode, the email is downloaded. Otherwise the email is treated as unsolicited.

Gropper teaches an auto update utility for digital address books. More specifically, Gropper describes a system that periodically sends update requests to the contacts/addressees in a user's address book. These update requests ask the contacts to update their contact information that the user has about them.

To illustrate Gropper, a user could set up his system to automatically send an email once a month to all of his friends in the user's address book. This email would request each friend to update their personal information that the user has in his address book. Thus, when the user's friends (addressees) receive the email, they can click on a link that allows them to edit their contact information stored on the user's address book.

However, upon closer inspection, it will be apparent that Brown and Gropper fail to disclose the features of Claim 1, as amended.

Firstly, Brown and Gropper fail to disclose the recipient initiating a subscription event by sending its own recipient ID to the sender. The process in Claim 1 is initiated when the future recipient of the email submits a subscription to the sender. This subscription event is fundamental to ensuring that the recipient will recognize that the petition is from a sender to

whom they would grant permission to send email. No such subscription event is disclosed in either Brown or Gropper. More importantly, neither Brown nor Gropper disclose that the recipient of the email initiates the process. For example, in Brown, it is clearly the sender of the email that initiates all communications (e.g. recipient receives an email from the sender, Brown, par. [0055]). Similarly, in Gropper, the sender passes update requests to the server, which in turns delivers them to the addressee (Gropper, paragraph 84, 85). In neither reference, does a recipient initiate a subscription event by sending the recipient ID to the sender, as defined in amended Claim 1.

Secondly, Brown and Gropper fail to disclose *a petition provider that creates a petition on behalf of the sender as a result of having obtained the sender information from the recipient, wherein the petition comprises a request to modify the email access list of the recipient*, as defined in amended Claim 1. To begin with, neither reference discloses a petition that comprises a request to update the access list of the recipient. For example, in Gropper, the update request “updates the records in the sender’s address book.” (Gropper, par. [0133], emphasis added). Therefore, even if the update request could be interpreted as a petition of some sort, it still does not update the email access list of the recipient. Rather, it only updates the address book of the sender. Thus, subsequent messages sent by the sender could still be undeliverable to the recipient, as the sender’s email may still be blocked or discarded by the recipient’s spam filters. Gropper does mention a mechanism for denying future requests (par. [0012]), however this would only deny future “update requests” and does not address modifying the recipient’s email access list which would allow acceptance of email.

Moreover, Gropper does not disclose any petition provider that creates a petition on behalf of the sender as a result of having obtained the sender information from the recipient, as defined in amended Claim 1. In Gropper, “the server” simply takes update requests from the sender and sends them to the addressees (par. [0083]-[0084]). As such, this server is clearly not the same as a petition provider that receives information from the recipient and as a result creates a petition on behalf of the sender, as defined in Claim 1.

Similarly, the Brown reference also fails to disclose any petition or petition provider, and instead teaches a method for blocking/filtering email based on information specified in the email header.

Thirdly, Brown and Gropper fail to disclose that the sender is added to the list of permitted senders if the petition is determined to be acceptable, wherein as a result of a successful petition, the sender will be allowed to bypass all email filters of the recipient, as defined in amended Claim 1. Gropper does not disclose such bypassing of email filters, nor adding new senders to the safe senders list. Instead, it is merely concerned with updating a contact's information in digital address books. Brown, on the other hand, also fails to disclose the feature of adding the sender to the safe sender's list as a result of a successful petition.

Finally, even if Gropper were to be combined with Brown as proposed in the Office Action, the resulting combination would create an updated entry in the sender's contact list, with the recipient's access list left unmodified. This is because Gropper does not teach acceptance of an http petition for the modification of the recipient's access list. This is further evidenced by the proposed reason to combine the two references recited in the Office Action – namely “making it easy and desirable for users to promote use of the system to their contacts, thereby avoiding the labor and errors associated with manual data entry and maintenance of contact information into a digital address book.” (Office Action, page 5). Applicant respectfully submits that this is an entirely different purpose from the purpose of Claim 1, which is to avoid the email spam filters of the recipient by exchanging a petition between the recipient and the sender before any emails are sent.

In view of the above comments, Applicants respectfully submit that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 21, 40, 50 and 68**

Claims 21, 40, 50, and 68 while independently patentable, recite limitations that, similarly to those described above with respect to Claim 1, are not taught, suggested nor otherwise rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

#### **Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-72**

Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-72 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an

allowable independent claim, and further in view of the comments provided above. Applicants respectfully submit that Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-72 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicants respectfully reserve the right to argue these limitations should it become necessary in the future.

#### **Claims 49 and 60**

The present Response hereby cancels Claims 49 and 60, thereby rendering moot any rejection as to these claims. Reconsideration of the application is respectfully requested.

#### **IV. Additional Amendments**

The present Response hereby adds new Claim 73. Applicants respectfully submit that the new claim is fully supported by the Specification as originally filed and that no new matter is being added. Consideration thereof is respectfully requested.

#### **V. Request for Interview**

Applicants respectfully submit that the claims, as amended, are now allowable in light of the remarks above. However, in the event that the next office action is not an allowance, Applicants hereby respectfully request a telephonic interview with the Examiner prior to issuance of the next office action in order to expedite the prosecution of this application.

#### **VI. Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent, such as by entry of any Examiner's amendment or otherwise.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: January 28, 2009

By: /Justas Geringson/  
Justas Geringson  
Reg. No. 57,033

Customer No.: 23910  
FLIESLER MEYER LLP  
650 California Street, 14<sup>th</sup> Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800  
Fax: (415) 362-2928